THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26398 OF 2005

Dated: 09-12-2005

Between

Kumari R. Subashini, D/o. P.T. Ratnam, Ex.F.P.Shop Dealer, Guntakal Mandal and Town, Anantapur District.

...PETITIONER

AND

Joint Collector, Anantapur and others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that the petitioner was appointed as a permanent dealer of Fair Price Shop No.13 Ward, Guntakal Town in 1979 and since then she has been distributing the essential commodities without any complaint whatsoever. While so, some persons made false complaint to the authorities to initiate action against her. Based on the said complaint, the Revenue Divisional Officer – the second respondent issued a show cause notice dated 16.07.2005 directing the petitioner to explain as to why her dealership should not be suspended by framing eight charges. Pursuant to the show cause notice the petitioner submitted her explanation on 10.08.2005. Thereafter, without conducting any enquiry the authorization of the petitioner was cancelled by order 22.10.2005.

As against the said order, the petitioner filed an appeal along with a stay application before the Joint Collector – the first respondent, who by order dated 26.11.2005 while admitting the appeal rejected the stay application. Aggrieved by the same, the writ petition is filed.

Learned counsel for the petitioner further submits that the show cause notice was issued only for suspending the dealership of the petitioner but not for canceling the authorization of the petitioner. However, without conducting any enquiry, pursuant to the explanation submitted by the petitioner, her authorization was cancelled, which is illegal. The learned counsel further submits that without there being any serious allegations and grave irregularities committed by the petitioner the second respondent ought not to have cancelled the authorization and the appellate authority ought not to have rejected the stay application.

Without expressing any opinion on the merits of the case,
the appellate authority – the first respondent is directed to consider and dispose of the appeal itself in accordance with law after giving reasonable opportunity to the petitioner and pending disposal of the appeal the cancellation order of the second respondent stands stayed permitting the petitioner to distribute the essential commodities.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 9, 2005

DSK